

## MEMORANDUM

**TO:** Planning and Economic Development Committee,  
Asheville City Council

**FROM:** Judy Daniel, AICP, Director of Planning and  
Development

**PREPARED BY:** Julia C. Cogburn, AICP, Urban Planner II  
Blake Esselstyn, Urban Planner II

**DATE:** 8 April 2009 (Meeting Date)

**SUBJECT:** Proposed Woodfin Annexation

### Background

On March 17<sup>th</sup>, the Woodfin Town Council passed a Resolution of Intent to annex 3.43 square miles of land in the Erwin Hills/Leicester communities of Northwest Buncombe County (see attached map). If completed, this annexation would increase the area of the Town of Woodfin by approximately 38%. No plan for services has been adopted or finalized at this time. Little information is available on the annexation, as the Town of Woodfin website is “under construction.” An article on a local website (ashevillenc.com) provided the following information on the resolution of intent.

The article quotes Woodfin Town Manager, Jason Young, as stating that the Board passed this resolution because they have been, “concerned for some time about Asheville moving further north and the possible negative impacts that might have on our community. One area of particular concern is how annexation by Asheville might impact the West Buncombe Fire District which serves about 1000 Woodfin residents at present.” A Woodfin annexation would not impact fire district revenues, as Woodfin contracts with rural fire departments to provide services to properties within their jurisdiction.

The article states that Mr. Young indicates that the annexation is not a certain thing. “Our board wants to talk to the residents of the area proposed for annexation and to hear their thoughts and concerns. Unfortunately the only way to conduct such discussions without providing another town or city the opportunity to annex an area is to pass a Resolution of Intent. Passing the Resolution will allow community members and town officials the opportunity to find out whether or not such an annexation makes sense without having to worry that Asheville might act unilaterally during those discussions,” Young is quoted as saying. On April 6<sup>th</sup>, staff spoke with Mr. Young. He indicates that no opposition has been raised thus far.

## City of Asheville Concerns

1. Agreements with Leicester. In 2007 and 2008, the City of Asheville spent considerable time in discussions with individuals interested in pursuing the incorporation of the Town of Leicester. In January of 2008, the Council voted to approve support for the incorporation, provided that the City and incorporation organizers meet to discuss (and reach an agreement) on the actual boundaries to be proposed for incorporation. These discussions were successful and resulted in the suggested boundary shown on the enclosed map. It is our understanding that the Town of Woodfin gave similar support to the proposed Leicester incorporation.

The first staff concern over the proposed Woodfin annexation is the effect of this on the efforts of the Leicester community. We feel that the proposed annexation violates the votes of support given to the community organizers. We are also concerned, since the area proposed to be annexed by Woodfin contains some of the greatest density and development in the proposed Town of Leicester, that the remaining area would not meet the qualifications for incorporation set forth in the North Carolina General Statutes. The statutes require a population of at least 250 persons per square mile for incorporation. The statutes also state that a minimum of 40% of an area be developed for residential, commercial, industrial, institutional, or governmental uses, or dedicated open space prior to incorporation.

2. Discussions with Woodfin. Also in 2007 and 2008, the City of Asheville and the Town of Woodfin had entered into discussions concerning the potential for an annexation agreement. The discussions, while never formalized, did result in a proposed map showing "spheres of influence" for each area. We feel that the proposed annexation undermines the good-faith efforts made earlier to establish effective areas of future growth for both Asheville and Woodfin. It also encompasses, and would take away, area that has long been under the development jurisdiction (extraterritorial jurisdiction) of the City of Asheville.
3. Legislative Agenda. Staff is further concerned about the effect this proposal might have on the current state legislative examination of annexation processes/effects. This annexation would result in considerable growth of the Town of Woodfin, exactly the type of major growth that has created concern among annexation opponents over the years. The concern is about the ability to provide the needed increase in meaningful services within the time periods required by the statutes with this magnitude of growth.

Additionally, staff is concerned about potential violations of the state statutory procedures for annexation. Staff has identified what appear to be procedural errors in the process followed thus far on this annexation by the Town of Woodfin. Staff is concerned that this lack of adherence to statutory standards for annexation is another matter that sheds negative light on the entire process in the State of North Carolina. We are concerned that this fuels the commentary that municipalities take the annexation statutes lightly and that these standards need to be strengthened.

### Alternative Strategies

Staff is suggesting below some possible strategies for Asheville City Council to consider for addressing this issue.

1. Initiate Discussion. Council could attempt to initiate a discussion between the City, Woodfin, and those seeking incorporation for Leicester. The request should be to suspend the annexation (which appears to already be procedurally invalid) while discussions are taking place. Agreement to suspend any annexations in the area by all parties will be important to open dialogue. The discussions should address the future of the Town of Leicester and potential spheres of influence for Woodfin and Asheville in this vicinity. (Aside: The concern of Woodfin may be that, should Leicester incorporate the potential for the growth of Woodfin is severely limited). The hopeful end result would be agreement by all parties about future growth and governance.
2. Challenge the Annexation. The City of Asheville owns two properties (water facilities) in the annexation area. The City could challenge the annexation if it should be adopted by the Town Council.
3. Bring Concerns to the Legislature. The City could request that the legislature look into the soundness of the annexation being proposed by Woodfin at this time.